

REMARKS

Applicant thanks the Examiner for indicating that claims 3 and 10 contained allowable subject matter. In the present response, Applicant submits claim 3 in independent form, such that it should be allowed. Claim 10 remains ultimately dependent on claim 4, which has been amended, and is now in condition for allowance, as will be explained below.

The Examiner has rejected claim 1 as being anticipated by Drabick '601, and has rejected claim 2 as being unpatentable over Drabick '601 in view of Marotta '889. Applicant herein has canceled claims 1 and 2, such that those rejections are now moot. It should be noted, however, that, in canceling those claims, Applicant does not disclaim the right to the subject matter therein, and, further, does not acquiesce to the rejection levied by the Examiner.

Claims 4, 5 and 7 have been rejected as being anticipated by Beck '609. The Examiner contends that Beck '609 discloses a lid support (30) comprising a support platform (42) and a serrated edge (52, 64) extending downwardly and outwardly from the support platform. Regarding claim 5, the Examiner indicates that Beck '609 discloses the support platform serving as a handle. Regarding claim 7, the Examiner contends that Beck '609 discloses the serrated edge as being provided on a serrated support leg (56, 60).

Claim 4 is now currently amended, and includes at least one leg supporting the support platform above a support surface. Furthermore, the serrated edge of the lid support extends downwardly and outwardly from the support platform toward the support surface. This is simply not shown in Beck '609. Particularly, the only element of Beck '609 that could be considered to satisfy the "at least one leg" of claim 4 is the "upstanding portion 60" of the food server disclosed therein. Thus, the serrated edge of the Beck '609 food server extends from that upstanding portion and not from the support platform. Furthermore, that serrated edge does not extend downwardly and outwardly toward a support surface, rather, it rests, along its entire being, on that support surface. Thus, claim 4 provides sufficient structure to distinguish the lid support of this invention from any and all of the prior art cited by the Examiner, and reconsideration of claim 4 is respectfully requested.

Regarding the Examiner's application of Barden D28,186 to anticipate claim 4, Applicant notes that the meat knife disclosed in Barden (a) is not, and cannot, be interpreted


to be a lid support as indicated in the preamble of claim 4, (b) does not provide a support platform inasmuch as "cleaver edge B" cannot be considered a support platform, and (c) does not provide at least one leg supporting the alleged support platform (cleaver edge B) above a support surface. Reconsideration of the Barden rejection is respectfully requested.

Beck '609 is applied in the remaining rejections under 103 regarding claims 6, 8 and 9. As already indicated, Beck '609 fails to provide all of the limitations of base claim 4 and, therefore, these obviousness rejections are overcome.

In light of the foregoing, Applicant respectfully requests reconsideration of the pending claims, and a Notice of Allowance for claims 3-10 is respectfully requested. Any effort has been made to fully respond to all of the Examiner's concerns, but if issues should remain for consideration, the undersigned attorney would welcome a telephone call.

No new claims have been added and therefore no additional fees are believed due at this time. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,



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